

MONDAY, APRIL 2, 2001

TWENTY-THIRD LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Bill Williamson, First Presbyterian Church, Columbia, Tennessee.

Representative Sands led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Sharp; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 173: Rep(s). Fowlkes as prime sponsor(s).

House Joint Resolution No. 176: Rep(s). Godsey as prime sponsor(s).

House Bill No. 134: Rep(s). Westmoreland, Boyer, Windle, McDonald, U. Jones, Pleasant, Maddox, Fitzhugh, Miller, Kent and Naifeh as prime sponsor(s).

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**MESSAGE FROM THE GOVERNOR
March 30, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 798, 1959 and 1967, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE
April 2, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 154; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 154 -- Memorials, Recognition - Kenneth "Pete" Springer Memorial Foundation. by *Crutchfield.

**MESSAGE FROM THE SENATE
April 2, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 152; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 152 -- Memorials, Recognition - Coal Creek Mark the Trail Day and history of Coal Creek Watershed. by *McNally.

**MESSAGE FROM THE SENATE
April 2, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 138 and 139; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 138 -- Memorials, Death - Mary Jane Werthan. by *Henry, *Haynes, *Rochelle, *Cohen.

Senate Joint Resolution No. 139 -- Memorials, Recognition - Nuclear Fuel Services, Inc. by *Crowe, *Haun.

**MESSAGE FROM THE SENATE
April 2, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 48, 57, 104, 273, 486 and 1889; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

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***Senate Bill No. 48** -- Sunset Laws - Air pollution control board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201. by *Harper. (HB942 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 57** -- Sunset Laws - Tennessee municipal solid waste advisory committee, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 211. by *Harper. (HB950 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 104** -- Sunset Laws - Water quality control board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3. by *Harper. (HB979 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 273** -- Workers' Compensation - Requires person with authority to enter into settlement agreement attend benefit review conference for both employee and employer or employer's insurer. Amends TCA Title 50, Chapter 6. by *Haynes. (HB771 by *Briley)

***Senate Bill No. 486** -- School Transportation - Requires school bus to stop at all railroad grade crossings whether or not carrying school child instead of only when carrying school child. Amends TCA Section 55-8-147. by *Haun. (HB751 by *Davis (Washington))

Senate Bill No. 1889 -- Environment and Conservation, Department of - Establishes voluntary cleanup oversight and assistance program; creates Notice of Land Use Restrictions; authorizes commissioner to make loans. - TCA Title 68, Chapter 212, Part 2. by *Ramsey, *Fowler, *Cooper J, *Norris, *Williams. (*HB1916 by *McCord)

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Sands was recognized in the Well to introduce Ms. Stephanie Lott, Mule Day Queen 2001, for remarks.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 180** -- Highway Signs - "Eugene W. Greene Highway," segment of S.R. 160 in Hamblen County. by *Ford S.

House Transportation Committee

House Joint Resolution No. 181 -- Naming and Designating - Designates first week of May as JAYS (Jaycees Against Youth Smoking) Week. by *Black.

House Agriculture Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 5, 2001:

House Resolution No. 41 -- Memorials, Retirement - Eddie Bilbrey. by *Ferguson.

House Joint Resolution No. 187 -- Memorials, Recognition - John David Thomas. by *DeBerry J.

House Joint Resolution No. 190 -- Memorials, Personal Achievement - Ray Sinor. by *Turner (Hamilton).

House Joint Resolution No. 192 -- Memorials, Academic Achievement - Tracy A. England, Valedictorian, Claiborne County High School. by *Goins.

House Joint Resolution No. 193 -- Memorials, Academic Achievement - Carrie Surber, Salutatorian, Forge Ridge High School. by *Goins.

House Joint Resolution No. 194 -- Memorials, Academic Achievement - Melissa Brandon, Salutatorian, Claiborne County High School. by *Goins.

House Joint Resolution No. 195 -- Memorials, Academic Achievement - Dustin Brown, Valedictorian, Forge Ridge High School. by *Goins.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 5, 2001:

Senate Joint Resolution No. 154 -- Memorials, Recognition - Kenneth "Pete" Springer Memorial Foundation. by *Crutchfield.

Senate Joint Resolution No. 152 -- Memorials, Recognition - Coal Creek Mark the Trail Day and history of Coal Creek Watershed. by *McNally.

Senate Joint Resolution No. 138 -- Memorials, Death - Mary Jane Werthan. by *Henry, *Haynes, *Rochelle, *Cohen.

Senate Joint Resolution No. 139 -- Memorials, Recognition - Nuclear Fuel Services, Inc. by *Crowe, *Haun.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 131 -- Naming and Designating - "National Crime Victims' Rights Week," April 22-28, 2001. by *Burks, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

House Calendar and Rules Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1986 -- Friendsville - Subject to local approval, revises procedures for passage and recordation of ordinances of City of Friendsville. Amends Chapter 555 of the Private Acts of 1953. by *Overbey, *McCord.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1988, was/were referred to the Delayed Bills Committee.

***House Bill No. 1988** -- Highway Signs - "Historic Downtown Franklin Shopping District," State Route 96 in Williamson County. by *Williams (Williamson).

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1** -- State Employees - Permits certain dependents of retired state employees and retired local education agency employees to continue to carry coverage under basic medical plan under respective group insurance plans for certain period of time. Amends TCA Title 8, Chapter 27, Part 2 and Part 3. by *Rochelle. (HB112 by *Bone, *Fraleigh, *Hood, *Cooper B, *West, *Davidson, *Williams (Williamson), *McDonald)

***Senate Bill No. 29** -- Pensions and Retirement Benefits - Revises maximum retirement benefits for certain Group 2 and Class B retirement system members. Amends TCA Section 8-36-208. by *Atchley. (HB380 by *Rhinehart)

***Senate Bill No. 92** -- Local Government, General - Allows, instead of requires, local governments to set and collect processing fee in amount that is equal to amount paid third-party processor for processing credit card or debit card payment. Amends TCA Section 9-1-108. by *McNally, *Davis L. (HB154 by *Caldwell, *Armstrong, *Bunch, *Hargett)

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***Senate Bill No. 987** -- Fiscal Review Committee - Requires staff of fiscal review committee to prepare statement for each general bill that mandates coverage of health insurance benefits; statement to include cost impact to individual policy holder or enrollee in managed health care plan and insurer, stating reasons if no estimate can be given. Amends TCA Title 3, Chapter 2, Part 1. by *Kurita. (HB1255 by *Head, *Newton)

***Senate Bill No. 1507** -- Taxes, Real Property - Declares that lawsuit to collect on delinquent property tax lien for benefit of state, county, municipality, or special school district must be brought by county in name of county, instead of state. Amends TCA Section 67-5-2405, by *Rochelle. (HB1732 by *White)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1979 -- Carter County -- Local Bill Held on House Desk

House Bill No. 1982 -- Greenfield -- Local Bill Held on House Desk

House Bill No. 1983 -- Bruceton -- Local Bill Held on House Desk

House Bill No. 1984 -- Selmer -- Local Bill Held on House Desk

CONSENT CALENDAR

***House Bill No. 345** -- Attorneys at Law - Increases from Class A misdemeanor to Class E felony offense of engaging in unauthorized practice of law, but makes possible punishment fine only. Amends TCA Title 23, Chapter 3. by *Buck. (SB1448 by *Person)

House Bill No. 1625 -- Banks and Financial Institutions - Authorizes out-of-state banks and savings and loan associations to establish new branches in Tennessee if institution's home state authorizes Tennessee institutions to do likewise. Amends TCA Title 45, Chapter 2, and Title 45, Chapter 3. by *Rhinehart, *Armstrong, *Hood, *Hagood, *Fitzhugh, *Sands. (*SB1214 by *Cooper J)

***Senate Joint Resolution No. 35** -- Memorials, Congress - Urges congressional delegation to assist state in obtaining federal Section 5309 funding for bus and capital improvement projects and rail projects. by *Haun.

House Joint Resolution No. 46 -- Naming and Designating - Designates November 10, 2001, as "Purple Heart Recipient Day" in Tennessee. by *Cooper B, *Pruitt, *Brooks.

***House Bill No. 1380** -- Surplus Property - Authorizes disposal of surplus state property by internet auction; requires notice of internet sale to be posted on internet. Amends TCA Sections 12-2-403 and 12-2-406. by *Montgomery, *McDaniel. (SB1657 by *Miller J, *Clabough)

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House Bill No. 816 -- State Inmates - Revises procedure for payment of fees and costs by inmate who files civil action. Amends TCA Section 41-21-807; Section 41-21-808 and Section 41-21-801. by *Sands. (*SB1099 by *Haynes)

On motion, House Bill No. 816 was made to conform with **Senate Bill No. 1099**; the Senate Bill was substituted for the House Bill.

House Bill No. 1185 -- Tort Liability - Gives directors and officers of workers' compensation self-insurance pooling arrangements same immunity from actions for breach of fiduciary duty as those of other nonprofit organizations have. Amends TCA Title 48, Chapter 58, Part 6. by *Sands. (*SB1562 by *Kurita)

***House Bill No. 1435** -- Unemployment Compensation - Revises back-pay award provisions; redefines "wages" to specifically include income from qualified annuity plans and deferred compensation plans of state or local government or tax-exempt organization; modifies certain notice provisions. Amends TCA Sections 50-7-213(a), 50-7-303(e) and 50-7-404(c). by *Whitson, *McDaniel. (SB1676 by *Elsea, *Atchley)

On motion, House Bill No. 1435 was made to conform with **Senate Bill No. 1676**; the Senate Bill was substituted for the House Bill.

House Bill No. 1709 -- Utilities, Utility Districts - Authorizes, subject to local approval by customers of utility district, increased per diem from \$100 to \$250 per meeting, limited to 12 meetings, for members of utility district boards of commissioners in Sullivan County; permits group medical insurance coverage and life insurance coverage as authorized under present law. Amends TCA Section 7-82-308. by *Godsey, *Mumpower, *Davis (Washington), *Westmoreland. (*SB1790 by *Ramsey)

On motion, House Bill No. 1709 was made to conform with **Senate Bill No. 1790**; the Senate Bill was substituted for the House Bill.

House Bill No. 977 -- Sunset Laws - Genetic advisory committee, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 5. by *Kernell, *Brooks, *Cooper B. (*SB94 by *Harper)

On motion, House Bill No. 977 was made to conform with **Senate Bill No. 94**; the Senate Bill was substituted for the House Bill.

House Bill No. 971 -- Sunset Laws - Tennessee tobacco farmers certifying board, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 36. by *Kernell, *Brooks, *Cooper B. (*SB84 by *Harper)

On motion, House Bill No. 971 was made to conform with **Senate Bill No. 84**; the Senate Bill was substituted for the House Bill.

House Bill No. 1072 -- Sunset Laws - Public health council, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 1. by *Kernell, *Brooks, *Cooper B. (*SB129 by *Harper)

On motion, House Bill No. 1072 was made to conform with **Senate Bill No. 129**; the Senate Bill was substituted for the House Bill.

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House Bill No. 1619 -- Sunset Laws - Deletes obsolete references to terminated governmental entities. Amends TCA Title 4, Chapter 29. by *Kernell, *Brooks, *Cooper B. (*SB81 by *Harper)

On motion, House Bill No. 1619 was made to conform with **Senate Bill No. 81**; the Senate Bill was substituted for the House Bill.

House Bill No. 1623 -- Sunset Laws - Private protective services advisory committee, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 35. by *Kernell, *Brooks, *Cooper B. (*SB79 by *Harper)

On motion, House Bill No. 1623 was made to conform with **Senate Bill No. 79**; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 171 -- Memorials, Sports - Bartlett High School, 2000-01 TSSAA Class AAA Boys' Basketball State Champions. by *Hargett, *Pleasant.

House Joint Resolution No. 172 -- Memorials, Sports - Wayne County Lady Wildcats, 2000-01 TSSAA Class A State Champions. by *White, *Tidwell.

House Joint Resolution No. 173 -- Memorials, Retirement - Clarence Powell. by *Beavers.

House Joint Resolution No. 176 -- Memorials, Sports - Sullivan North-East High School Special Olympics team, first place in state competition. by *Mumpower.

House Joint Resolution No. 177 -- Memorials, Congratulations - Jody Barker, Tennessee's representative in nationwide Crayola Arts Contest. by *Mumpower.

House Joint Resolution No. 178 -- Memorials, Death - Dr. Edwin Ross Norris. by *Mumpower.

House Joint Resolution No. 182 -- Memorials, Personal Achievement - Michelle Fortner, Tennessee's Junior Miss 2001. by *Black.

House Joint Resolution No. 183 -- Memorials, Retirement - Carolyn Sivley Minnich. by *Turner (Hamilton).

House Joint Resolution No. 184 -- Memorials, Death - Enoch Jackson Rinks. by *White, *Naifeh, *Cole (Dyer), *Fitzhugh, *Maddox, *Tidwell, *Shaw, *Pinion, *Ridgeway, *Kisber, *Phelan, *Odom.

Senate Joint Resolution No. 132 -- Memorials, Professional Achievement - Mr. Wendell Marlowe, Lakeview Elementary School Principal. by *Rochelle, *Harper.

Senate Joint Resolution No. 133 -- Memorials, Retirement - Frederick S. Humphries, Ph.D. by *Dixon, *Ford J, *Harper, *Cohen, *Herron.

Senate Joint Resolution No. 136 -- Memorials, Congratulations - Ray Sinor, Outstanding National Alliance for the Mentally Ill Member Award for 2001. by *Fowler, *Henry, *Cohen, *Herron, *Dixon, *Crutchfield.

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House Bill No. 1981 -- Kingsport - Subject to local approval, revises several provisions of Charter of City of Kingsport. Amends Chapter 76 of the Private Acts of 1917; as amended. by *Westmoreland. (SB1945 by *Ramsey)

House Bill No. 1958 -- Polk County - Subject to local approval, reenacts and restates amusement tax on consumers participating in ride, excursion, or float trip by canoe, raft, or similar floating device on Ocoee and Hiwassee rivers within county. - Chapter 2 of the Private Acts of 1981. by *Newton. (SB1946 by *Miller J)

House Bill No. 1962 -- Hickory Valley - Subject to local approval, decreases board of aldermen from seven to five members effective with November 2002 election; establishes four-year term of office for mayor and board; requires one-year residency to run for mayor or board; removes offices of town marshal and justice of peace. Amends Chapter 261 of the Private Acts of 1951. by *McDaniel, *Shaw.

House Joint Resolution No. 186 -- Memorials, Personal Occasion - William Roger Wilson, II, birth. by *Hood.

Rep. Fitzhugh moved that all members voting aye on House Joint Resolution No. 184, be added as sponsors, which motion prevailed.

Rep. Cooper moved that all members voting aye on House Joint Resolution No. 46, be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

Senate Joint Resolution No. 35: by Rep. West

House Joint Resolution No. 182: by Rep. Black

Under the rules, Senate Joint Resolution No. 35 and House Joint Resolution No. 182 was/were placed at the foot of the calendar for April 5, 2001.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 97 |
| Noes | 0 |

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 134** -- Bail, Bail Bonds - Requires magistrate to consider in determining bail that defendant's criminal conduct resulted in death of law enforcement officer engaged in performance of official duties. Amends TCA Title 40, Chapter 11, Part 1. by *Langster, *DeBerry L, *Buck, *Pruitt, *Todd, *Jones U (Shelby), *Pinion, *Kent, *Cole (Carter), *Jones, S.. (SB139 by *Cooper J)

Further consideration of House Bill No. 134 previously considered on March 1, 2001, at which time it was reset for today's Calendar.

Rep. Langster moved that **House Bill No. 134** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 97 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

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House Bill No. 894 -- Workers' Compensation - Makes composition of special workers' compensation panels created by supreme court discretionary instead of mandatory. Amends TCA Section 50-6-225. by *Buck. (*SB1436 by *Person)

Rep. Buck moved that House Bill No. 894 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 894 By deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-225(e)(3), is amended by deleting from the final sentence "at least two (2) of whom shall be members of the supreme court or retired judges," and by substituting instead the words "at least one (1) of whom shall be a member of the supreme court."

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Consumer and Employee Affairs Committee Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 894**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 784 -- Insurance Companies, Agents, Brokers, Policies - Requires insurers to provide policyholder with written statement setting forth certain rights each time such policyholder files property and casualty claim. Amends TCA Title 56. by *Briley. (*SB262 by *Harper)

Rep. Briley moved that House Bill No. 784 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 784 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. At any time a policy holder files a property claim under a personal lines fire or homeowners insurance policy for structural damage with an estimated value at or above twenty thousand dollars (\$20,000), the insurer shall provide the policy holder with a written statement setting forth certain basic rights to which the policyholder is entitled under their policy.

SECTION 2. At a minimum, the written statement required by Section 1 shall advise policyholders of their rights to:

(a) Receive quality repair work to restore the damages to their property;

(b) Have the repairs made by a contractor of their choice understanding that the contractor is hired by the policyholder and that this contractor does not work for or at the direction of the insurance company;

(c) Receive a copy of the insurance policy free of charge upon request;

(d) Be informed of the need to file a proof of loss, if required;

(e) Receive the name, phone number, and address of the claim representative handling the loss;

(f) Receive a detailed estimate of the scope of damage and costs of repairs. Should the contractor selected by the policyholder have questions concerning the insurance company's estimate, the policyholder or their contractor should contact their claim representative directly;

(g) File supplemental claims as the need arises;

(h) File a complaint with the Department of Commerce and Insurance by calling the Policyholder Service Section at 1-800-342-4029 if the policyholder is unable to work out an agreement after speaking with their claim representative, agent, and the company.

SECTION 3. The written statement required by this act shall also inform the policyholder that the requirements of this act do not amend or replace any part of the policyholder's insurance policy and that the policyholder should carefully read and examine their insurance policy including all policy coverages, conditions, exclusions and rights.

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SECTION 4. Any insurer that fails to comply with the provisions of this act shall be subject to the unfair claims settlement practice provisions under Tennessee Code Annotated, Section 56-8-104(8).

SECTION 5. This act shall take effect July 1, 2001, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Briley moved that **House Bill No. 784**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 95 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 785 -- Contracts - Prohibits use of forms or contracts for goods or services that claim to waive consumer's right to obtain punitive, exemplary or tremble damages, or attorney's fees; specifies that such prohibited provisions are unconscionable and unenforceable. Amends TCA Title 47 and Title 56. by *Briley. (*SB274 by *Haynes)

Rep. Briley moved that House Bill No. 785 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 785 by deleting SECTION 1 of the printed bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 7, is amended by adding the following as a new, appropriately designated section:

47-18-7__.

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(a) No seller shall use a form or contract in providing goods or services that purports to waive a buyer's right to obtain:

- (1) Punitive damages;
- (2) Exemplary damages;
- (3) Treble damages; or
- (4) Attorney's fees.

(b) Any form or contract containing a prohibited provision as described above shall be deemed unconscionable and unenforceable as to such provision.

On motion, Consumer and Employee Affairs Committee Amendment No. 1 was adopted.

Rep. Briley moved that **House Bill No. 785**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes.....0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 792 -- Animal Control - Revises Dog and Cat Humane Death Act to prohibit destruction of dogs and cats except by lethal injection of sodium pentobarbital or such other drug as may be authorized by board of veterinary examiners for use by certified animal control agencies. Amends TCA Title 44, Chapter 17, Part 3. by *Briley. (*SB194 by *Cohen)

Rep. Briley requested that House Bill No. 792 be moved to the heel of the Calendar.

House Bill No. 182 -- Collection Agencies - Grandfathers in as location managers persons with 10 years experience in collection services who meet all other qualifications of location managers. Amends TCA Title 62, Chapter 20, Part 1. by *Dunn. (*SB156 by *McNally)

Rep. Dunn moved that House Bill No. 182 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 182 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-20-108(d), is amended by deleting the existing language in its entirety and by substituting instead the following:

(d) (1) A location manager license issued pursuant to this section shall be revoked if, within a two-year period prior to the date of such revocation, the licensee:

(A) Did not act as a location manager;

(B) Did not work on a full-time basis in a licensed collection service; or

(C) Was not employed by an attorney-at-law in a position directly related to the collection of debts and/or the solicitation of accounts receivables.

(2) A location manager license issued pursuant to this section shall be revoked if the licensee fails to renew the location manager license as provided for in § 62-20-112.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 182 By adding the following as a new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 62-20-111, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) In order to protect the rights of creditors, all letters of collection or notices of collection from a collection agency to a debtor shall contain language stating that the collection agency is licensed by the collection service board of the department of commerce and insurance.

On motion, Commerce Committee Amendment No. 2 was adopted.

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Rep. Dunn moved that **House Bill No. 182**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 488** -- Safety - Limits ceiling for liability insurance coverage required for whitewater rafting outfitters/operators who travel 25 miles or less on intrastate roads to \$1 million. Amends TCA Title 65, Chapter 15, Part 1. by *Davis (Cocke). (SB1393 by *Haun)

Rep. Davis (Cocke) moved that **House Bill No. 488** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 149 -- Highway Signs - "Bewley's Bridge," spanning Nolichucky River on S.R. 340 at Cocke County-Greene County boundary. by *Davis (Cocke), *Whitson. (*SB27 by *Haun, *Henry, *Crowe, *Williams)

On motion, House Bill No. 149 was made to conform with **Senate Bill No. 27**; the Senate Bill was substituted for the House Bill.

Rep. Davis (Cocke) moved that Senate Bill No. 27 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 27 By adding the following new, appropriately designated section immediately preceding the effective date section:

SECTION ____.

(1) This act shall become operative only if Greene County, Tennessee, remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act. Greene County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Greene County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Greene County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) In addition to the provisions of subdivision (1), Greene County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to federal guidelines and approved by the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Davis (Cocke) moved that **Senate Bill No. 27**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1512 -- Gas, Petroleum Products, Volatile Oils - Modifies certain statutory provisions pertaining to petroleum fair trade practices. Amends TCA Title 47, Chapter 25. by *Sargent, *Black, *Fraley. (*SB1547 by *Kyle)

On motion, House Bill No. 1512 was made to conform with **Senate Bill No. 1547**; the Senate Bill was substituted for the House Bill.

Rep. Sargent moved that Senate Bill No. 1547 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer and Employee Affairs Committee Amendment No. 1.

On motion, Rep. West withdrew Consumer and Employee Affairs Committee Amendment No. 2.

Rep. Buck moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1547 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 47-25-611, is amended by adding the following new subpart to subsection (d):

() No person may recover damages pursuant to this subsection unless such person proves by clear and convincing evidence that the below cost sale was made with the specific intent of adversely affecting such person.

Rep. Sargent moved that Senate Bill No. 1547 be reset for the Regular Calendar on April 5, 2001, which motion prevailed.

MONDAY, APRIL 2, 2001 – TWENTY-THIRD LEGISLATIVE DAY

House Bill No. 792 -- Animal Control - Revises Dog and Cat Humane Death Act to prohibit destruction of dogs and cats except by lethal injection of sodium pentobarbital or such other drug as may be authorized by board of veterinary examiners for use by certified animal control agencies. Amends TCA Title 44, Chapter 17, Part 3. by *Briley. (*SB194 by *Cohen)

Further consideration of House Bill No. 792 previously considered on today's Calendar.

On motion, House Bill No. 792 was made to conform with **Senate Bill No. 194**; the Senate Bill was substituted for the House Bill.

Rep. Briley moved that Senate Bill No. 194 be passed on third and final consideration.

On motion, Rep. Givens withdrew Agriculture Committee Amendment No. 1.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 194 by deleting the words "for any purpose" in Section 44-17-303(c) of the bill as amended and by substituting instead the words "for the purpose of euthanasia".

On motion, Agriculture Committee Amendment No. 2 was adopted.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 194 By adding the following as a new subsection to Section 1, as amended:

(k) The provisions of this act shall not apply to exotic animals being held under the authority of title 70, chapter 4, part 4, and Rule 1660-1-18-.05 of the Official Compilation Rules and Regulations of the State of Tennessee.

On motion, Agriculture Committee Amendment No. 3 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Briley moved that **Senate Bill No. 194**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 59 |
| Noes | 29 |
| Present and not voting | 5 |

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Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Washington), DeBerry L. Dunn, Fowlkes, Fraley, Garrett, Givens, Hargrove, Harwell, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Phelan, Pinion, Pruitt, Rhinehart, Rinks, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, West, Williams, Windle, Wood, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Baird, Beavers, Bittle, Black, Brown, Buttry, Clem, Davidson, Davis (Cocke), Ferguson, Fitzhugh, Godsey, Goins, Hagood, Hargett, Head, Lewis, Maddox, McCord, Montgomery, Overbey, Phillips, Roach, Rowland, Vincent, Westmoreland, White, Whitson, Winningham -- 29.

Representatives present and not voting were: Caldwell, Ford, Jones U, Patton, Turner (Shelby) -- 5.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 799 -- Commerce and Insurance, Dept. of - Enacts "Charitable Gift Annuities Exemption Act." Amends TCA Title 56, Chapter 52, Part 1. by *Fitzhugh, *Hood, *Maddox. (*SB932 by *McNally, *Herron, *Williams)

Senate Amendment No. 2

AMEND House Bill No. 799 By deleting from the amendatory Section 56-52-102(c)(1) in Section 1, as amended, the language "one hundred thousand dollars (\$100,000)" and by substituting instead the language "one million dollars (\$1,000,000)".

Rep. Fitzhugh moved that the House nonconcur in Senate Amendment(s) No(s). 2 to **House Bill No. 799**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 549** -- County Government - Deletes current requirements, applicable to Class 2 counties, that there must be at least nine county legislative body districts and that each office in multi-member districts must be separately designated on ballot. Amends TCA Section 5-5-102 and Section 8-24-101. by *Westmoreland, *Hood, *Rowland, *Beavers. (SB1050 by *Ramsey)

Senate Amendment No. 1

AMEND House Bill No. 549 by deleting all language after the enacting clause and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 5-5-102(a), is amended by deleting subdivision (2) and substituting instead the following:

(2) There shall be at least nine (9) districts in the county legislative body in any county designated as a Class 2 county before January 1, 1999 as established by § 8-24-101.

SECTION 2. Tennessee Code Annotated, Section 5-5-102(h), is amended by deleting subdivision (3) and substituting instead the following:

(3) In any county designated as a Class 2 county before January 1, 1999 as established by § 8-24-101, each office in multi-member districts shall be separately designated on the ballot, and candidates shall run and be elected on the basis of such separately designated offices within the district.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Westmoreland moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 549**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 97 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 112 out of order, which motion prevailed.

Senate Joint Resolution No. 112 -- Naming and Designating - "National Day of Hope in Tennessee," April 4, 2001. by *Burks.

On motion of Rep. Hargrove, the resolution was concurred in.

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A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Sands moved that the rules be suspended for the purpose of introducing House Resolution No. 188 out of order, which motion prevailed.

House Joint Resolution No. 188 -- Memorials, Recognition - Stephanie Lott, Mule Day Queen 2001. by *Sands.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Sands, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Sands moved that the rules be suspended for the purpose of introducing House Resolution No. 189 out of order, which motion prevailed.

House Joint Resolution No. 189 -- Memorials, Recognition - Lodge No. 686 of Benevolent and Protective Order of Elks, 100th Anniversary. by *Sands.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Sands, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Turner (Shelby) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 191 out of order, which motion prevailed.

House Joint Resolution No. 191 -- Memorials, Recognition - National Association for Advancement of Colored People and its April 6, 2001, Southeast Region V Conference in Nashville. by *Turner (Shelby).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Turner (Shelby), the resolution was adopted.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Armstrong, **House Bill No. 1746** was recalled from the Commerce Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 249: Rep(s). Kent as prime sponsor(s).

House Bill No. 282: Rep(s). West, S. Jones, Pruitt, Odom, Langster, Arriola and Garrett as prime sponsor(s).

House Bill No. 398: Rep(s). J. DeBerry as first prime sponsor(s).

House Bill No. 412: Rep(s). Overbey as prime sponsor(s).

House Bill No. 417: Rep(s). Hargett as prime sponsor(s).

House Bill No. 526: Rep(s). Patton as prime sponsor(s).

House Bill No. 663: Rep(s). Goins as prime sponsor(s).

House Bill No. 749: Rep(s). Langster, Briley, Pruitt and S. Jones as prime sponsor(s).

House Bill No. 1195: Rep(s). Curtiss as prime sponsor(s).

House Bill No. 1520: Rep(s). Hargett as prime sponsor(s).

House Bill No. 1786: Rep(s). Chumney as prime sponsor(s).

House Bill No. 1790: Rep(s). Hargett as prime sponsor(s).

House Bill No. 1791: Rep(s). Hargett as prime sponsor(s).

House Bill No. 1856: Rep(s). Hargett as prime sponsor(s).

MESSAGE FROM THE SENATE
April 2, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 88 and 134; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 2, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1254; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 2, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1380; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 2, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1380.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 2, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1976; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 2, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 179; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 2, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 134, 182, 345, 488, 784, 785, 894, 1185, 1625, 1958, 1962, 1981, also, House Joint Resolution(s) No(s). 46, 171, 172, 173, 176, 177, 178, 183, 184, 186, 188, 189 and 191.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 2, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 102, 146, 148, 149, 150, 152, 153, 154, 155, 156 and 157; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, April 5, 2001.